

Board of County Commissioners, Authority Of. Public Weigher.

The Board of County Commissioners has no authority to pay the public weigher a salary for his services different from that prescribed by law.

Helena, Montana, Dec. 9, 1907.

W. T. McKeown, Esq.,  
County Attorney,  
Kalispell, Montana.

Dear Sir:—

In compliance with your oral request for an opinion from this office as to whether the Board of County Commissioners are authorized to pay a salary to the Public Weigher you are advised:

Section 5 of the Act authorizing the County Commissioners to establish public scales and appoint a public weigher (Chap. 22, Laws 1905) provides that "said public weigher shall receive not to exceed ten cents for each receipt issued by him." This being a special statute conferring upon the County Commissioners authority to establish public scales and appoint a weigher, it must be strictly complied with, and its provisions are exclusive. Therefore, I cannot see that it is within the province or authority of the Board of County Commissioners to compensate the public weigher differently than the compensation which is provided for in law, namely, ten cents for each receipt issued by him.

Very truly yours,

ALBERT J. GALEN,  
Attorney General.